

information requirements. Consequently, in § 173.12, a new paragraph (f) has been added to allow the use of waste stream numbers, instead of the required technical name description, for hazardous waste packaged in lab packs. It should be noted, however, that there is no exception in § 173.12, or elsewhere, from identifying the names of constituents contained in lab packs, if the constituent is a hazardous substance or a poison.

Most commenters supported including the technical name for n.o.s. or generic descriptions on shipping papers. However, because many technical names are quite lengthy or complicated, and commenters are concerned about the disclosure of proprietary information or trade secrets, they recommended including chemical family or generic names, common names, registered trade names, or other names in the NIOSH registry in place of technical names for n.o.s. entries. Trade secrets include chemical formulations, and the commenters believe that this information would not be protected if they were required to include the technical names of these constituents on shipping papers. RSPA believes that in emergency response situations, the addition of technical names for n.o.s. entries is the best way to identify the primary and subsidiary hazards associated with a material. RSPA also realizes that some chemical technical names are extremely complex. In order to accommodate the use of chemical names that are more readily recognizable and usable to emergency responders, the definition in § 171.8 for "technical name" includes chemical names designated or recognized by the International Union of Pure and Applied Chemistry (IUPAC), the Chemical Abstracts Service, or in the Registry of Toxic Effects of Chemical Substances (RTECS). However, trade names may not be used as technical names.

Further, RSPA believes there is sound reasoning to require improved identification of chemical constituents. Commenters' concerns that "trade secret" information may be disclosed by showing these constituents on shipping papers for "n.o.s." descriptions have not been substantiated. As required by this final rule, if a hazardous material is a mixture or solution of two or more hazardous materials, only the technical names of at least two components most predominantly contributing to the hazards of the mixture or solution are required to be entered on the shipping paper. Furthermore, this final rule does not impose mandatory revelation of an exact formulation, only disclosure of

valuable safety related information to be used in the transportation network. Additionally, it is our belief that identifying the two major constituents which contribute to the hazards of a material will result in only limited, if any, instances where proprietary information would be revealed. Current provisions of the HMR for identifying constituents in poisons, hazardous substance mixtures and solutions, and any n.o.s. description for water shipments have not revealed a problem regarding the release of proprietary information.

Recently, RSPA has been made aware of a potential problem concerning the identification of constituents of materials that are subject to the provisions of 21 CFR 1301.74, as administered by the Drug Enforcement Administration (DEA). Paragraph (e) of that section states: " \* \* \* In addition, the registrant shall employ precautions (e.g., assuring that shipping containers do not indicate that contents are controlled substances) to guard against storage or in-transit losses." RSPA is not aware that the current constituent identification requirements of the HMR have resulted in violations of the DEA requirements by persons shipping hazardous materials that are also controlled substances. The requirements of this final rule should not cause any significant compliance difficulties. Of the controlled substances reviewed by RSPA, each has a general or other technical name which may be used to identify the controlled substance in accordance with the requirements of this final rule, but which do not use terminology which readily identifies the hazardous material as a controlled substance.

#### C. Telephone Contact for Emergency Response Information

Comments to the notice generally supported RSPA's proposal to require that shipping papers contain the twenty-four hour telephone number of a person with detailed knowledge of the hazardous characteristics of the materials being shipped. The Chemical Manufacturers' Association (CMA) indicated support for the provision that allows shippers to list CHEMTREC, or other organizations, with similar capabilities, as the initial contact point for emergency response information. CMA pointed out that it would be impractical for an individual or small company to provide a phone number in the absence of this provision.

CHEMTREC is a public service of the CMA. CHEMTREC has the capability to provide immediate advice by telephone for the on-scene commander at a

chemical emergency, and can then promptly contact the shipper of the hazardous material for detailed assistance and an appropriate response follow-up. CHEMTREC operates 24-hours a day, seven days a week to receive toll-free calls. CHEMTREC notifies the National Response Center (NRC) of significant incidents. If requested, they will connect a caller directly to the NRC, as required by Federal law and regulation. Other industry or government organizations may exist or be established which may provide similar services for specified categories of materials. RSPA recognizes the difficulty experienced by small companies, who may not always have a 24-hour telephone number or have an individual available to respond to inquiries on a 24-hour basis. This final rule allows for the use of an emergency response telephone number other than the shipper's, provided the shipper has furnished an agency or organization with detailed information concerning the hazardous material, and that the agency or organization is capable of, and has accepted responsibility for, providing such information. This option will provide a shipper the flexibility of selecting a name and number which will ensure a 24-hour availability of knowledgeable assistance.

Although most commenters supported the proposal to require a 24-hour emergency response telephone number on shipping papers, several expressed concern about the requirement in § 172.604(a)(2) for the telephone number to appear on the shipping paper "in association with the basic description". These commenters requested that the phone number be allowed anywhere on the shipping paper, as long as it is noted that the number is shown for the purpose of emergency response. In this final rule, the requirements in § 172.604(a)(2) (i) and (ii) have been modified to require shippers to: (1) enter the emergency response telephone number on shipping papers "following the description of the hazardous material", or (2) entered once on the shipping paper when the number applies to each material entered on the shipping paper, it is clearly highlighted for easy identification, and it is indicated that the telephone number is to be used to obtain emergency response information.

In the NPRM, RSPA proposed, as an option for a package having a gross weight of 30 kilograms or less, that the 24-hour emergency response telephone number may be displayed on the outside of the package in association with the proper shipping name rather than on the shipping paper. The United Parcel